

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 93-756-C - ORDER NO. 94-731
AUGUST 1, 1994

IN RE: Request of Southern Bell for Approval) ORDER DENYING ✓
 of Revisions to its Access Service) PETITION FOR
 Tariff to Restructure Switched Access) REHEARING OR
 Local Transport) RECONSIDERATION

This matter is before the Public Service Commission of South Carolina (the Commission) on LDDS of Carolina, Inc.'s (LDDS') Petition for Rehearing or Reconsideration (Petition) of Order No. 94-563 (June 30, 1994). Order No. 94-563 approved Southern Bell Telephone and Telegraph Company's (Southern Bell's) revisions to its Access Service Tariff to restructure switched access local transport. After thorough review of LDDS' Petition, the Commission finds and concludes that the Petition should be denied.

LDDS contends the Commission's decision approving Southern Bell's proposed revisions to its Access Service Tariff violates S.C. Code Ann. §58-9-250 (1976). Specifically, LDDS asserts that the different rates charged interexchange carriers for interoffice transport are not "based on objectively reasonable considerations arising out of the conditions and circumstances surrounding the services." Petition, p. 2. The Commission disagrees.

In relevant part, Section 58-9-250 provides as follows:

No telephone utility shall, as to rates or services, make or grant any unreasonable preference or advantage to any person or corporation or subject any person or corporation to any unreasonable prejudice or disadvantage. No telephone utility shall establish or

maintain any unreasonable difference as to rates or service, either as between localities or as between classes of service. Subject to the approval of the Commission, however, telephone utilities may establish classifications of rates and services and such classifications may take into account the conditions and circumstances surrounding the service, such as the time when used, the purpose for which used, the demand upon plant facilities, the value of the service rendered or any other reasonable consideration. The Commission may determine any question arising under this section.

In approving Southern Bell's proposed revisions to its Access Service Tariff to restructure Switched Access local transport, the Commission set forth with particularity several reasons upon which it based its decision to approve different rates for DS1, DS3, and tandem switched access options. The Commission considered the demand placed upon Southern Bell's facilities by each of the switched transport options, the effect of access pricing and associated risk on Southern Bell's network, the benefits attained from similar interstate and intrastate tariffs, and the effect of access pricing on rates for basic local services. Each of these considerations fairly and objectively supports the classification of rates and services approved by the Commission.

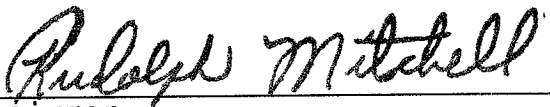
As specified by Section 58-9-250, the Commission has the discretion to determine what conditions and circumstances are sufficient to support telephone utility classifications. The Commission carefully considered each of the parties' evidence and the policy considerations associated with the proposed local transport rates and concluded that Southern Bell's proposed revisions to its switched access local transport tariff should be approved. The Commission's decision is fully in keeping with its statutory authority and discretion.

IT IS THEREFORE ORDERED:

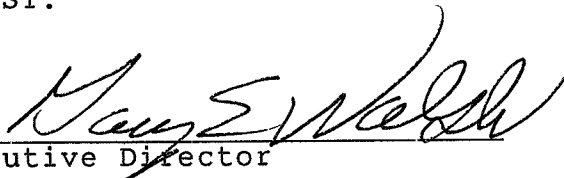
1. LDDS' Petition for Rehearing or Reconsideration is denied.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director

(SEAL)